

KPWG
U

STATE OF ALASKA PUBLIC NOTICE REQUIREMENTS

Prepared by Sandra Cosentino
DNR's Oil Spill Project Coordination Office
May 14, 1990

DEPARTMENT OF NATURAL RESOURCES

AS 38.05.945 requires public notice be given by the Department for the following actions:

1. classification or reclassification of state land and the closing of land to mineral leasing or entry
2. zoning of land
3. a decision (called a best interest finding) regarding the sale, lease or disposal of an interest in state land or resources.
4. a competitive disposal of an interest in state land or resource after final decision

Notice shall be given at least 30 days before the action by publication in newspapers of statewide circulation and in newspapers of general circulation in the vicinity of the proposed action and one or more of the following methods:

1. public service announcements in affected area
2. posting in a conspicuous location in the vicinity of the action
3. notification of parties known or likely to be affected by the action

Notice shall also be given to:

1. municipality project is located in
2. Native regional corporation if project within its boundaries
3. Village corporation if land is within 6 miles of the village and the land is outside a municipal boundary
4. postmaster of a permanent settlement of more than 25 persons located within 6 miles of the land if outside a municipality.

(Div. of Land & Water Management generally gives notice to all of the above.)

Notice is not required for a permit or other action revocable by the Department.

PROCEDURES FOR PRINCE WILLIAM SOUND AREA PLAN MODIFICATION

The Prince William Sound Area Plan provides management for state owned uplands and tide and submerged lands in the Sound. The plan may be amended or modified as outlined on pages 4-1- to 4-12.

An amendment adds to or modifies the basic intent of the plan. Amendments consist of changes to allowed uses that would change the management intent of a significant portion of the management unit; or changes to prohibited uses, policies, or guidelines through an entire management unit or subunit; or changes in implementation actions.

Amendments require public notice and consultation with affected agencies. Amendment may require public meetings if the commissioner decides the level of controversy warrants it. Amendments may be proposed by DNR, other agencies, or the public.

A minor change is one that does not modify or change the basic intent of the plan or a management unit. Minor changes may be necessary for clarification, consistency, or to facilitate implementation of the plan. Minor changes are made at the discretion of the Director of Div. of Land & Water Management and do not require public review. Minor changes may be proposed by agencies or the public. The director will notify other agencies when minor changes are made.

The agencies involved in formulation of the area plan would have to be consulted or involved with an amendment (source: Martha Wellborn, Land & Resources Unit, Div. of Land & Water Management). If a proposed amendment were substantial or controversial, it is likely that the Department would conduct their own public meeting process. Planning team agencies include:

Dept. of Natural Resources
Land & Resources Section
Div. of Land & Water Management, Southcentral Region
Div. of Forestry
Div. of Parks & Outdoor Recreation
Div. of Mining
Dept. of Fish and Game, Habitat Division
Dept. of Transportation & Public Facilities
U.S.D.A., Forest Service

KODIAK AND KENAI PENINSULA

State area plans have not yet been developed for the Kodiak and Kenai Peninsula. Kenai planning begins summer, 1990; Kodiak in 1992 or 1993.

The restoration process coordinator for DNR could be tied into Kenai planning process on regular basis such as a member of the Kenai Area Plan advisory committee or some other method established to provide coordination between the restoration planning process and the area planning process.

PUBLIC INVOLVEMENT IN DNR PLANNING

DNR's planning processes generally include several points for public involvement as outlined below:

1. *Issues* are identified by agencies and through public meetings.
2. *Alternatives.* Data is collected and analyzed. Land use alternatives prepared. Public meetings are held to review land use alternatives.
3. *Draft plan* is prepared. Public meetings are held to review draft plan.
4. *Final plan.* Draft plan is revised; final plan adopted. Final changes summary may be sent of mailing list. Public notices are placed announcing the proposed land classifications and mineral closing or openings. There is a 30-day period in which the commissioner's decision can be appealed.

Often advisory committees are formalized as part of the process as well.

ALASKA COASTAL MANAGEMENT PROGRAM

Public Notice for Proposed Projects:

Proposed projects within the Alaska Coastal Management Zone must be reviewed for consistency with the standards of the Alaska Coastal Management Program unless they are covered by a list of categorically consistent projects. The Div. of Governmental Coordination (DGC), Office of Management and Budget, coordinates reviews involving permits from more than one state agency, for projects requiring a federal permit or federal actions unless it is a project proposed by a state agency (e.g., a timber sale; in which case the Div. of Forestry coordinates the review). These reviews are set up on a 30 or 50 day basis unless extended for receipt of additional information.

6AAC 50.070 (f). If the coordinating agency determines that the public notice, if any, provided by the resource agencies as part of their review of a permit is not adequate to inform the public about the project and the consistency review process, the coordinating agency shall publish a public notice in a newspaper or on radio or television in the affected areas. DGC will encourage the joint public notice of project reviews when a permit from more than one agency is required.

If a project requires only a DNR authorization, the ACMP review is conducted by DNR. Div. of Land & Water Management conducts public notice as part of their ACMP 30 or 50 day review.

Planning Review:

Coastal Resource Service Areas (CRSA) may have requirements for involvement in planning stage as well as the project stage (refer to individual coastal district plans). The CRSA's in the oil spill area have been placed on the restoration mailing list. It is recommended that these contacts be kept abreast of the restoration planning process.

ALASKA DEPARTMENT OF FISH & GAME

ADF&G follows AS 44.62, Administrative Procedure Act, when preparing fish and game management plans whereby goals and policies are adopted via regulation. The Administrative Procedure Act requires 30-day notice to change regulations or adopt new ones.

The oil spill restoration activities would be treated as project review (source: Debbie Clauson, Habitat Div.). ADF&G issues permits for anadromous fish stream activities (AS 16.05.870 and 840) and for work in special areas (AS 16.20). No public notice is required unless these permits are being coordinated by another agency under the Alaska Coastal Management Program. Debbie suggests contact Claudia Slater or Mark Kuata of ADF&G's Oil Spill Habitat Div. for further analysis.